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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,566	09/26/2001	Thomas P. McKenna JR.	4000.2.74	7438

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EXAMINER	
HUYNH, SON P	
ART UNIT	**PAPER NUMBER**
2623	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/966,566	MCKENNA, THOMAS P.	
	Examiner	Art Unit	
	Son P. Huynh	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-55* is/are pending in the application.

4a) Of the above claim(s) *17-36 and 53* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16,37-52,54 and 55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 September 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/15/06;4/6/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-16, 37-52 and 54-55 have been considered but are moot in view of the new ground(s) of rejection.

Claims 17-36 and 53 have been withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-16, 37-52, 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US 6,177,931) in view of Wang (US 6,675,385).

Regarding claim 1, Alexander discloses a method for providing supplemental information (i.e. text, detail information, advertisement, etc. – figure 1) related to a television program, the method comprising:

PIO comprising a single data structure that encapsulates one or more attributes and one or more user-selectable actions associated with the television program, the one or more attributes providing information about the television program (program guide display screen 10 comprising a single data structure that encapsulates attributes that provides information about the television program such as program title, program channel, program broadcast time, etc. and user-selectable action such as interactive icon that provides detail information of the program when selected, record icon, watch icon, etc. – see figure 1), at least one attribute comprising a link to supplemental information related to the television program (i.e. detail icon, chat icon, etc. provides link to supplemental information such as detail information or chat room that related to the television program (col. 17, line 48-col. 18, line 67). Alexander further discloses when the icon associates with particular television program is selected, the additional information or content of the television associated with the selected icon is displayed (e.g. selection of "Remember..." to display additional information of the Remember... or to watch, to record the selected program – see including, but is not limited to, figure 3, col. 17, line 48-col. 18, lines 53). Inherently, the user-selectable actions (i.e. record icon, watch icon, detail icon, program icon, etc.) must comprises a program code executable by the entertainment system in connection with the television program so that when the icon is selected, the content associated with the selected icon is provided.

Alexander also discloses retrieving the supplemental information referenced by the link (retrieving supplemental information such as detail information of the selected program, advertisement related to the program, etc. in response to the selection of

detail icon, advertisement icon, etc. – col. 17, line 48-col. 19, line 45); and displaying the supplemental information on a display device associated with the entertainment system (displaying detail information, chat content, advertisement, etc. on the display screen – see including, but are not limited to, figure 3, col. 17, line 48-col. 19, line 45). Alexander further discloses pages of the program guide display screen (col. 20, line 54-col. 21, line 15). However, Alexander does not specifically disclose storing program guide display screen (read on PIO) within an entertainment system.

Wang, in an analogous art, discloses storing program guide display screen (e.g. HTML EPG page – figure 10) within an entertainment system (see including, but are not limited to, col. 4, lines 41-60; col. 8, lines 55-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Alexander to use the teaching as taught by Wang in order to, at least, quickly display program information to the user – see abstract, lines 15-17, col. 2, lines 38-60; col. 4, lines 41-61).

Regarding claim 2, Alexander in view of Wang teaches a method as discussed in the rejection of claim 1. Alexander further discloses in response to user selection of a link for supplemental information such as detail information, access chat room, etc., the detailed information, chat content, etc. are provided to the user – see including, but is not limited to, col. 17, line 48-col. 19, line 45). Inherently, communication is established with a supplemental information server (i.e. server that provide chat content, additional detail information, etc.), supplemental information referenced by the link is requested

from the supplemental information server and received by the entertainment system so that the supplemental information (detail information, chat content, etc.) is displayed on the screen.

Regarding claim 3, Alexander in view of Wang teaches a method as discussed in the rejection of claim 2. Alexander further discloses supplement data is downloaded from Internet service provider (see including, but are not limited to, col. 8, lines 37-64). Thus, the supplemental information server comprises an Internet server (i.e. Internet service provider).

Regarding claim 4, Alexander in view of Wang teaches a method as discussed in the rejection of claim 1. Alexander further discloses the link comprises link to a relevant Internet web site, online Internet chat room, web site address (see including, but are not limited to, col. 8, lines 36-64; col. 17, line 50-col. 19, line 12). Inherently, the link comprises the URL to link to the web site address.

Regarding claim 5, Alexander in view of Wang teaches a method as discussed in the rejection of claim 1. Alexander further discloses the link comprises a file name (e.g. web site address; chat room name, etc. – col. 17, line 48-col. 19, line 12).

Regarding claim 6, Alexander in view of Wang teaches a method as discussed in the rejection of claim 1. Alexander further discloses the PIO comprises a visual indicator

(i.e. icons of channel, time, title of the interactive program guide, detail information, or logo – figure 3), the method further comprising:

displaying the visual indicator in a graphical user interface (i.e. displaying interactive icons in interactive program guides – see figure 3). Alexander further discloses the in response to user selection of icon on the interactive program guide (i.e. selection of record icon, detail icon, the associated action (recording/retrieve detail information) is performed (figure 3, col. 17, line 48-col. 19, line 12; col. 21, lines 39-67). Thus, the user selection of the visual indicator is detected so that the associated action is performed.

Regarding claim 7, Alexander in view of Wang teaches a method as discussed in the rejection of claim 6. Alexander further discloses the visual indicator comprises a graphical icon (interpreted as graphical icons of interactive program guide – figure 3).

Regarding claim 8, Alexander in view of Wang teaches a method as discussed in the rejection of claim 6. Alexander further discloses the PIO further comprises a first action configured to display the supplemental information referenced by the link (e.g., action to display detail information, etc. – see including, but are not limited to, figure 3, col. 17, line 48-col. 19, line 12), the method further comprising:

displaying a list of the plurality of user selectable actions associated with the PIO (displaying a list of user selectable actions associated with the program guide display screen such as action to cause link to additional information, action to access chat

room, action to record a program, action to watch a program, action to display advertisement, etc. – figure 3). Alexander also discloses the supplemental information such as detail information is displayed in response to user selection for supplemental information on the screen (see including, but is not limited to, col. 17, line 48-col. 19, line 12). Thus, user selection of the first action is detected so that the detail/additional information is retrieved and displayed on the screen.

Regarding claim 9, Alexander in view of Wang teaches a method as discussed in the rejection of claim 1. Alexander further discloses automatically displaying the supplemental information in response to the television program being presented by the entertainment system (e.g. while watching the news program, the news broadcaster provides information to describe event involving astronauts – col. 18, lines 55-67, or while watching "Nova", the EPG presents advertisement for education computer (col. 33, lines 35-43; col. 32, lines 35-60).

Regarding claim 10, Alexander in view of Wang teaches a method as discussed in the rejection of claim 1. Alexander further discloses automatically display advertisement/notification of future television program prior to television program (i.e. future television program) being presented (col. 14, lines 4-10, col. 14, line 48-col. 15, line 3; col. 26, line 61-col. 27, line 15) reads on "automatically displaying the supplemental information prior to the television program being presented by the entertainment system.

Regarding claim 11, Alexander in view of Wang teaches a method as discussed in the rejection of claim 1. Alexander further discloses the user, using search engine to access internet web site, the content from the internet web site is display on a portion of the screen (see including, but are not limited to, col. 17, line 48-col. 19, line 2). Thus, the displaying inherently comprises: launching a browser (to access Internet web site) configured to display the supplemental information; and displaying the supplemental information within the browser (area for displaying content from Internet).

Regarding claim 12, Alexander in view of Wang teaches a method as discussed in the rejection of claim 1. Alexander further discloses the PIO comprises a set of link attributes (interactive program guide display screen comprises a plurality of link attributes (e.g., channels, times, detail information, advertisement, etc. see including, but is not limited to, figure 3); each link attribute comprising a different link to a set of supplemental information (e.g. link to chat room, link to particular program, link to particular advertisement, link to detail information of particular program, etc. – col. 17, line 48-col. 19, line 12, figure 3).

Regarding claim 13, Alexander in view of Wang teaches a method as discussed in the rejection of claim 12. Alexander further discloses displaying a list of link attribute associated with the PIO (figure 3); and receiving a user selection of a particular link

attribute from the list of link attribute (i.e. selection of detail information link, channel link, etc. – figure 3, col. 17, line 48-col. 19, line 12).

Regarding claims 14-15, Alexander in view of Wang teaches a method as discussed in the rejection of claim 1. Alexander further discloses the supplemental information is received from Internet (col. 17, line 48-col. 19, line 12). However, Alexander in view of Wang does not specifically disclose the supplemental information comprises an XML document or the PIO is selected from the group consisting of DCOM object, Javabean object, and XML object. Official Notice is taken that using XML document is well known in the art. For example, using XML document/code for web page. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Alexander in view of Wang to use XML document in order to at least, provide an alternative document to access Internet data or update the content of the webpage easier.

Regarding claim 16, Alexander in view of Wang teaches a method as discussed in the rejection of claim 1. Alexander further discloses the entertainment system is selected from the group consisting of a personal computer, an interactive television (ITV) system (col. 3, lines 1-20).

Regarding claim 54, Alexander in view of Wang teaches a method as discussed in the rejection of claim 1. Wang further discloses the program guide is in HTML format (col. 3,

line 61-col. 4, line 8). It is obvious to one of ordinary skill in the art that the program code (i.e. code of program in HTML format) is in a machine independent format that is executable in a virtual machine within the entertainment device and any destination device to which the PIO is sent, such that the program code (in HTML code) does not need to be installed on the destination device prior to receiving the PIO (EPG web page) in order to perform an associated user selected action in order to improve convenience for user to access the program guide web page to perform an associated action using any destination device.

Regarding claims 37-51 and 55, the limitations of the system as claimed correspond to the limitations of the method as claimed in claims 1-15, 54, and are analyzed as discussed with respect to the rejection of claims 1-15, 54.

Regarding claim 52, the limitations of the system as claimed correspond to the limitation of the method as claimed in claim 37, and are analyzed as discussed with respect to the rejection of claim 37.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ellis et al. (US 6,275,268) discloses electronic television program guide with remote product ordering.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh July 27, 2006

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